

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 14, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMIE ELAINE BAILEY,

Plaintiff,

vs.

QUALICENTERS INLAND
NORTHWEST, LLC, d/b/a FMC
Columbia Basin, d/b/a Fresenius Kidney
Care,

Defendant.

No. 4:23-CV-05079-MKD

ORDER GRANTING PLAINTIFF'S
MOTION TO DISMISS WITHOUT
PREJUDICE AND DISMISSING
CASE

ECF Nos. 7, 13

Before the Court is Plaintiff's Motion to Dismiss Without Prejudice. ECF No. 13. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), a plaintiff may dismiss an action without court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. LCivR 41(a)(1)(A) provides that "[a] notice of voluntary dismissal filed pursuant to Federal Rule of Civil Procedure 41(a)(1) shall contain a statement that no answer or motion for summary judgment has been served." A plaintiff may also dismiss a case by filing a motion to dismiss pursuant to LCivR 41(a)(1)(B) and Fed. R. Civ. P.

1 41(a)(1)(A)(ii) signed by all parties who have appeared. Plaintiff requests that this
2 case be dismissed pursuant to Fed. R. Civ. P. 41(a)(2), which provides that the
3 Court may grant dismissal at the plaintiff's request, including where a
4 counterclaim has been pleaded.

5 In any event, no opposing party has filed an answer or motion for summary
6 judgment. Plaintiffs' notice of dismissal seeks dismissal without prejudice and
7 without an award of fees or costs. The Court construes Plaintiff's motion as made
8 under Fed. R. Civ. P. 41(a)(1)(A)(i) and LCivR 41(a)(1)(A).

9 Accordingly, **IT IS ORDERED:**

10 1. Pursuant to Rule 41(a)(1)(A)(i) and the Plaintiff's Motion, all claims
11 are **DISMISSED without prejudice**, without an award of fees or costs.

12 2. Any pending motions, including Defendant's Motion to Dismiss, **ECF**
13 **No. 7**, are **DENIED as moot**.

14 3. All hearings and other deadlines are **STRICKEN**.

15 **IT IS SO ORDERED.** The District Court Executive is directed to file this
16 Order, provide copies to counsel, and **CLOSE** the file.

17 DATED August 14, 2023.

18 s/Mary K. Dimke
19 MARY K. DIMKE
20 UNITED STATES DISTRICT JUDGE